

fruit juices * * * their fruit and grape juices * * * Grape Bricks," were false and misleading and deceived and misled the purchaser. It was further alleged in the libel that the article was misbranded in violation of paragraph 3, of section 8 of the act as amended, under drugs, in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination thereof capable of producing the effects claimed: "For Medicinal Purposes * * * the most effective mild cleansers of the digestive organs * * * remedy * * * digestive * * * Vino Sano Port or Malaga Juice in mild fermentation may be prescribed by doctors instead of other yeast treatments as well as in place of fermented milk treatments (Kefit, Houghurt, Kumiss, Etc.) in accordance with the Professor Mechnikoff theory, to eliminate from the system the bacilli senili (old age germs)."

On February 22, 1929, Harry E. Friedman and Lionel E. Levy, copartners trading as the Grape Products Co., Miami, Fla., having appeared as claimants for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants upon payment of costs and the execution of a bond in the sum of \$1,100, conditioned in part that it should not be used in violation of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16648. Misbranding and alleged adulteration of vinegar. U. S. v. 10 Barrels of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22985. I. S. No. 01486. S. No. 1064.)

On August 16, 1928, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 barrels of vinegar at Metropolis, Ill., alleging that the article had been shipped by the Paducah Vinegar Works, from Paducah, Ky., on or about July 21, 1928, and transported from the State of Kentucky into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Paducah Vinegar Works Old Homestead Brand Pure Apple Vinegar Reduced to 4% Acid Strength, Paducah, Ky."

It was alleged in the libel that the article was adulterated in that a colored distilled vinegar had been mixed and packed with and substituted in part for the said article and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the label bore the statement "Pure Apple Vinegar," which was false and misleading and deceived and misled the purchaser, and in that the article was an imitation of and offered for sale under the distinctive name of another article.

On May 6, 1929, no claimant having appeared for the property, judgment was entered finding the product misbranded, and it was ordered by the court that the said product be condemned, forfeited, and destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16649. Alleged adulteration and misbranding of canned tomatoes. U. S. v. 1000 Cases, et al., of Tomatoes. Tried to a jury. Special verdict for claimant. Decrees entered ordering product released and cases dismissed. (F. & D. Nos. 21856, 21864, 21877. I. S. Nos. 14719-x, 14762-x, 14763-x, 14768-x. S. Nos. E-6071, E-6099, E-6110.)

On April 21, April 28, and May 5, 1927, respectively, the United States attorney for the District of Delaware, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 3,998 cases of canned tomatoes at Wilmington, Del., alleging that the article had been shipped by the Salem Packing Co., Salem, Md., in various consignments between the dates of September 18, 1926, and October 28, 1926, and had been transported from the State of Maryland into the State of Delaware, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Salem Beauty (or "Dean's Special") Brand Tomatoes. Contents 1 Lb. 3 Oz. Packed by Salem Packing Co., Salem, Md."

It was alleged in the libels that the article was adulterated in that a substance, water, had been mixed and packed with the said article so as to reduce, lower, and injuriously affect its quality and strength. Adulteration was al-